#### Natural Resources Committee January 21, 2010

#### [LB743 LB871]

The Committee on Natural Resources met at 1:30 p.m. on Thursday, January 21, 2010, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB743 and LB871. Senators present: Chris Langemeier, Chairperson; Annette Dubas, Vice Chairperson; Tom Carlson; Tanya Cook; Deb Fischer; Ken Haar; and Ken Schilz. Senators absent: Beau McCoy. []

SENATOR LANGEMEIER: Good afternoon and welcome to the Natural Resources Committee. I'd like to welcome everybody here in the crowd, as well as those that are watching us through our live feeds through the camera, as well as the internet and watching us from home. I am Chris Langemeier, the Chairman of the Natural Resource Committee. I'd like to introduce our committee to the crowd. We have senator...the empty seat on the end is Senator Beau McCoy; he is introducing a bill in another committee. He will be joining us in a little bit. We have Senator Ken Haar from Malcolm, Nebraska. We have Senator Ken Schilz from Ogallala, Nebraska. Senator Dubas will be joining us, she also has a bill in another committee. She is the Vice Chairman of the committee; she will be joining us in a little bit. Laurie Lage is the legal counsel for the Natural Resources Committee. To my right, or to your left, is Senator Deb Fischer from Valentine, Nebraska. Senator Tom Carlson also will be joining us shortly; and Senator Tanya Cook from Omaha. And then clear to our right we have Barb Koehlmoos, the committee clerk for the committee. We have two pages with us that will be assisting the Natural Resources Committee this year, throughout our hearing process. We have Tony Pastrana from Colorado, who is a freshman at Union College. And we also have...and I'm going to say this wrong every time. []

KIANA MATHEW: Kiana. []

SENATOR LANGEMEIER: Kiana Mathew, sorry, from Omaha and she's a sophomore at UNL. We ask at this time that you turn your cell phones off for...so we don't disrupt the hearing. If you're coming up to testify today, we ask that you fill out one of these green sheets. They're located in the corners of the room. If you get one of those and fill it out and when you come up to testify, we ask that you give it to the committee clerk. It helps us keep track of a good record of our hearing. If you're here today and you want us to know you're here and you have an opinion on a bill, there's also another sheet in the corners of the room that you can sign in and so we have a record that you were here. If you chose not to come up and testify, you still will be added to the record as being here and having an opinion. At this time, when you come up to the table we ask that you state and spell your name so we have it clear for our transcribers and for our record before you start your testimony. If you have anything you'd like to hand out, we ask that you have ten copies. If you don't, the pages will assist you in getting that to ten. We also ask that if you have something for us to see, if you give it to us to look at, we're going to keep it. So if it's something that you want us to see, but you don't want us to

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have, we ask that you just hold it up at the table and then if senators want to look at it after the hearing in more detail, they can do that...photo of the family ranch, or whatever it is. We ask that you don't pass it around, because we will keep it for the record. With that, I will start the hearings. Today Senator Fischer has both bills and so we will start with the opening on LB743. And welcome, Senator Fischer, and you're recognized to open when you're ready. [LB743]

SENATOR FISCHER: (Exhibits 1, 2) Thank you, Chairman Langemeier, committee members. For the record, my name is Deb Fischer, F-i-s-c-h-e-r and I am the senator representing the 43rd District here in the Nebraska Unicameral. I appear before you today to present LB743. The purpose of this legislation is to convey parkland from the Nebraska Game and Parks Commission to two communities in my district, the 43rd District. The village of Arnold would take possession of the Arnold State Recreation Area and the city of Atkinson would take possession of the Atkinson State Recreation Area. The Arnold State Recreation Area is approximately 32 acres and the Atkinson State Recreation Area is approximately 40 acres. Both communities approached me this summer to introduce this bill on their behalf and I was very pleased to do so. We worked with the Nebraska Game and Parks Commission to craft this legislation. This bill came about because the Game and Parks Commission has only been able to provide a minimum amount of maintenance and upkeep to these recreation areas due to budget constraints. Citizens from these communities have volunteered their time and energy to care for these areas and they have plans to upgrade the facilities at the parks. As you can see from the fiscal note, this transfer would save the Game and Parks Commission approximately \$3,000 annually, which they plan to use on other parks. If, in the future, the communities decide they no longer want to operate these parklands, the lands would revert back to the Game and Parks Commission. These communities are excited and they're prepared to take possession of these parklands. Representatives from the village of Arnold are here today to testify and they will inform you about the work they have done on the park so far, and the updates they plan to make in the future. I also have a resolution from the village of Arnold board, which I submitted to you. Unfortunately, representatives from the city of Atkinson could not make it down today. However, I have a letter from their mayor, Sharon Wenner, to enter into the record on their behalf. I would be happy to answer any questions you may have. [LB743]

SENATOR LANGEMEIER: Thank you, Senator Fischer. Are there any questions from the committee? Seeing none, thank you for your introduction. We will now take testimony in support, or proponents for LB743. Don't be shy. Come on up. If you would, just give it to Barb. Welcome. We're ready when you are. [LB743]

AARON OLSON: (Exhibit 3) My name is Aaron Olson, A-a-r-o-n O-l-s-o-n. Good afternoon everybody. I am member of the village board of Arnold. I'm here to represent the community of Arnold. I was elected to the board one year ago. I have grew up and lived in and around Arnold all my life and I really cherish the quality of living we have

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there. Understanding the position that the state is in. I respect the aspect that they have to make cuts in certain areas, and unfortunately, the Arnold State Park is one of those areas. Our community as a whole looks at this situation as instead of another problem for us, we are looking at this as a golden opportunity. As Scott Winfield will state, we have been doing maintenance work to the park for the last few years and will continue in the years ahead. The town of Arnold is made up of good, honest, and hardworking citizens. We are also a town that is not afraid of taking chances. Ten years ago when we started the Sandhills Open Road Challenge, which is a road race, people thought we were nuts. But ten years later we have donated over \$250,000 of outside money to our local and surrounding communities. We have a blues fest every year which brings in a lot of outside people. The Arnold Economic Development group is working on bringing wind energy to our area, along with new businesses and families. What do all these things have to do with the state park? It takes the effort of the whole community, not just selected individuals, to make this happen. In our little community, anything we can do to bring in outside people here is a plus. And if that means that the village and the community of Arnold needs to take over the state park, so be it. At first we did have some opposition, but when addressing what the alternative is, no one in the community wants this...that to happen. It really surprises me how many people we have come and stay at our park. Me, being a farmer, I'm not out to see the people staying there. But I hear the stories from the local businesses in town where we shop, from getting gas to camping supplies, groceries, dining out, and other odds and ends. It is a strong, economic value for our town. And Arnold wants to keep it and make it better. We have some great things planned for our park, and also we understand that this will not be a simple undertaking, but Arnold is ready to take this on. Thank you. [LB743]

SENATOR LANGEMEIER: Very good. Are there any questions? You did a great job. [LB743]

AARON OLSON: None? [LB743]

SENATOR LANGEMEIER: Oh, Senator Haar. [LB743]

SENATOR HAAR: Just a comment. I want to thank you for the initiative Arnold is taking; that's a true Nebraska spirit. [LB743]

AARON OLSON: Yep, yep. [LB743]

SENATOR HAAR: And it's neat to see. Thank you. [LB743]

AARON OLSON: We're welcoming this opportunity to make this thing happen, so.

[LB743]

SENATOR HAAR: Great. [LB743]

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SENATOR LANGEMEIER: Very good. Thank you for your testimony. [LB743]

AARON OLSON: Yep. [LB743]

SENATOR LANGEMEIER: Further testimony in support? Welcome. [LB743]

SCOTT WINFIELD: (Exhibit 4) Thank you. Good afternoon. My name is Scott Winfield, S-c-o-t-t- W-i-n-f-i-e-l-d. I'm the village superintendent for the village of Arnold. The village of Arnold supports LB743. In 2009, budget cuts for the Nebraska state park system meant some state recreation areas would be downgraded to minimum maintenance. Minimum maintenance means that the state would mow the area only in the spring and fall with no garbage pickup, no maintenance on equipment. When the village found out that Arnold's recreation area was going to be downgraded to the minimum maintenance status, we stepped up and leased the recreation area. The recreation area is located just south of Arnold; includes 22 acres of land; ten acres of lake. The village has...village had been assisting the state in maintenance of the park for the past several years. In 2002, the village purchased a bobcat with a mower attachment and started mowing the state park around the lake all the way down to the water. In 2009, when the village leased the park from the Game and Parks Commission, the camping area was mowed weekly. We mowed around the lake bi-weekly. Work was done on the road and the trees were all trimmed. The Nebraska Game and Parks signs have been removed from the park. The visitors no longer need a park permit to enter. Now that people don't need a park sticker to come out here, they're all out here all the time. Volunteers help out by maintaining the area. In 2008, volunteers were organized to help clean up the park. Thirty-plus volunteers helped clean brush, limbs, debris from the park. Volunteers continue to help maintain the park by picking up trash and trees. In the future. I would like to see some modern restrooms with showers. The restrooms would be made out of concrete block with a solid cement slab roof. This could also be utilized as a storm shelter. People are willing to volunteer time and material to make this happen. I also would like to put in new electrical camping spots. Our biggest goal is to have people come enjoy the park and our community. Thank you. [LB743]

SENATOR LANGEMEIER: Very good. Are there any questions for Mr. Winfield? Senator Carlson. [LB743]

SENATOR CARLSON: Thank you, Senator Langemeier. Scott, in your paragraph here, now that people don't need a park sticker to come out here, they're out here all the time. Just interested in...what does that comment really mean? Is it, in fact, a higher usage than it was before? [LB743]

SCOTT WINFIELD: Yes. There's a lot of local, elderly citizens in town that...the park sticker, just to go out and drive around in the evening and enjoy the park and look at the

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ducks and the people out there, they couldn't to afford to buy the park sticker and we've noticed a big increase in that traffic, as people driving around late in the afternoon just looking at the park, and they've made comment that now that they don't have to have a park sticker, they drive around the park more often. [LB743]

SENATOR CARLSON: Okay. Thank you. [LB743]

SCOTT WINFIELD: Uh-huh [LB743]

SENATOR LANGEMEIER: Are there any other questions? Seeing none. Thank you

very much, did a great job. [LB743]

SCOTT WINFIELD: Thank you for your time. [LB743]

SENATOR LANGEMEIER: You did good...did good. Further testimony in support? Good afternoon. [LB743]

ROGER KUHN: Chairman, members of the committee, my name is Roger Kuhn, it's R-o-g-e-r K-u-h-n. I'm assistant director with the Nebraska Game and Parks Commission representing the commission. We're in support of LB743, transferring these two park properties to the village of Arnold and Atkinson. As you heard already, try and make it brief, but due to the budget situation last year, we had come out and made some decision of reduce services in a number of park areas. Two of those park areas were Atkinson and Arnold. Received a call from Mr. Winfield; he took the initiative and we want to thank both communities for stepping to the plate. They have a genuine passion and interest in these areas, understanding the economic impact and the benefits it provides for their communities. And they initiated that contact. We were more than willing to work with them on this transfer and as he mentioned, they've helped in past years through their community efforts and volunteers. Entered into a lease arrangement last year with this, hopefully getting this transfer done during this session and they operated the park last year for us. So it's a good thing during these budget times. We have been in contact with a number of other communities and potential partners in different ways, shapes, and forms to try to help with the continued operations at these parks at the level that they've been at in past years; some success, some not success. But, you know, want to...you know, give our thanks to these communities for doing what they've done, so. With that I would try to answer any questions you might have. [LB743]

SENATOR LANGEMEIER: Very good. Are there any questions? I do have one question, seeing no others, since you're on the spot here, if it wasn't 35 degrees out today and it was June and we're having this hearing, which seems like we do it from time to time, and the committee we decided to go to a state park and we're going to take off because this hearing is going to get over here in a matter of minutes, and where

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would I get a park permit? [LB743]

ROGER KUHN: You can get park permits online currently, or you can get them at a number of vendors across the state. You know, sporting goods stores, Walmart, the VIN park permits different stores and so forth, VIN park permits. I think there's about 700 vendors statewide that will sell park permits. Or you can get them at the park areas themselves, if they're staffed. You know, if someone is at a gatehouse, or their staffed areas. If they're not staffed areas, then you'd have to go the other route, online or go to a vendor, so. [LB743]

SENATOR LANGEMEIER: Very good. Senator Carlson. [LB743]

SENATOR CARLSON: Senator Langemeier. So, Roger, how many parks are...what percentage are not staffed? Because that doesn't keep anybody at all from using the park, does it, unless somebody comes through with the authority to tell people to leave. [LB743]

ROGER KUHN: Right. Right. That is difficult because, no, we don't have all our park staffed and we administer 87 park areas statewide and off the top of my head I couldn't tell you exactly, but I would say, probably, half or less than half of those would be staffed areas. We have a number of areas like Arnold and Atkinson that we refer to as satellite areas. They're managed from another park area that is staffed. In the case of Arnold, we've managed in the past from Victoria Springs State Park, which is 45 miles away. So each time they'd go to Arnold to do some work or check on park (inaudible) plants, or what have you, it's a 90-mile round trip. And it can get pretty costly. We also have, of course, law enforcement division that randomly goes around to different park areas and checks for park permit compliance, or any other regulation compliance, whether it's fishing or things like that, so. No, it's not a catch-all, that's for sure. [LB743]

SENATOR CARLSON: Let me ask, because the one that I'm familiar with is Johnson Lake and the area that's near the inlet, that isn't...is that...that's not staffed, is it? [LB743]

ROGER KUHN: No, we have staff on sight at Johnson Lake, but as far as somebody manning the entrance road to the inlet that you're referring to, no, we don't, not on a consistent basis. So our park manager, assistance manager will go through there and go through the area to check. And we do sell park permits at the gatehouse at the main camp area at Johnson Lake, so it's pretty accessible, pretty readily available. You'd have to go over there, though, to buy the park permit from the, you know, if you're going into the inlet area. [LB743]

SENATOR CARLSON: If one of your people drove through that area at Johnson Lake and a vehicle's in there without a permit, what would they do? [LB743]

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ROGER KUHN: Well, if it's one of our park managers or assistant managers, they do not have...they're not credential enforcement officers, so they could not write a ticket. They would ask them to go and buy a park permit over at gatehouse or the office where they're available and, you know, that person would need to do that. Or law enforcement could be contacted to come out and give them a citation for that violation. [LB743]

SENATOR CARLSON: Thanks. [LB743]

ROGER KUHN: Okay, yep. [LB743]

SENATOR LANGEMEIER: Senator Haar. [LB743]

SENATOR HAAR: Yes, Roger, your former board chair, Jim Ziebarth is a friend of mine, and he was talking to me a little about maybe exploring ideas so that a park permit wouldn't be required. Is there any progress or is there any possibility of them? [LB743]

ROGER KUHN: Well, there was an interim study done by this committee, Senator Fischer was at it, I recall, and maybe, Senator Dubas, you were there, it was held out at Chadron, Nebraska, probably two years ago. But there was a call for an interim study to look into that. At that time Senator Louden was Chair and I represented the Game Commission at that interim study hearing and answered a lot of guestions. And what we brought to that group at that time was a list of what other states do that do not have park permit requirements. There's 37 states that require a park permit in the nation and there's 13 that do not. So they have different funding sources that are earmarked to support their state park system. And there's various examples of that. And that was presented to the Natural Resource Committee at that interim study. And there was some consideration given because the park permit is our primary revenue source that supports the park system; lodging is number 2, lodging rentals. And so it's important and since we're 70 percent self-supportive, it's an important tool or mechanism to fund the parks. But there's certainly other options that are available. The park permit, on the other hand, you know, you have to print the park permit stickers, you got to mail them out, you got to get them to vendors, you got to audit or account for them, you got to enforce them, you got to have people at gatehouses to sell them. There's a lot of other sides to it that are somewhat, you know, may be a nuisance, what have you. At \$20 a year per vehicle, we are the cheapest state in the country at 20 bucks for a vehicle for a state park permit. So it has...it is something has been looked at by this committee, but no action was ever taken after that. [LB743]

SENATOR LANGEMEIER: Are there any other questions? Seeing none, thank you very much for your testimony. [LB743]

ROGER KUHN: Thank you. [LB743]

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SENATOR LANGEMEIER: You did great. Further testimony in support of LB743? Welcome. [LB743]

JOE HERROD: Hello. My name is Joe Herrod, H-e-r-r-o-d and I'm here representing the Nebraska Council of Sportsman Clubs. And since we do follow the Game Commission and work with them closely, we know the budget constraints they're under. And, so the fact that we can do these kinds of arrangements with other communities is very beneficial. And so that's all I had to say on that. But on the park permits, I will say these guys aren't really telling the whole story. Out of the 37 states that charge for a park permit, Nebraska is the lowest in the nation...is..as far the last that I knew. And they're really not \$20 because you can get a \$10 duplicate; so they're really only \$15. And one of the ways to sell park permits, Ken Schilz will get a kick out of this, is to get somebody from his district appointed to the Game and Parks Commission and then tell him that his first meeting is at Mahoney State Park and he'll need a park permit. (Laughter) But, after we told him that, we also told him that it belonged on his back bumper. (Laughter) [LB743]

SENATOR LANGEMEIER: Very good. Are there any questions for Mr. Herrod? Seeing none, thank you very much for your testimony. Is there any other testimony in support of LB743? Seeing none, is there anyone wishing to testify in the negative capacity? Seeing none, anyone in a neutral capacity? Seeing none, Senator Fischer, would you like to close? [LB743]

SENATOR FISCHER: Thank you, Chairman Langemeier. I just want to make a few comments. First of all I'd like to thank my friends from Arnold who made the trip today. As you know, we're not just a hop, skip, and a jump to reach the capitol of the state of Nebraska. So I appreciate them coming down. I also think you heard and recognized their commitment and their excitement over the possibility of this happening. And I know that the people of Atkinson have that same commitment and that same excitement. I view this as a model of what we can do in the future in working with communities that have these state recreation areas right outside their communities, or in some cases, within their city limits. And it's a possibility I think we need to look at and have Game and Parks partner with these small communities that aren't seeing a lot of maintenance or development of the recreation areas that they currently enjoy in their areas. So I hope that you would forward this bill to the Floor. Thank you. [LB743]

SENATOR LANGEMEIER: Very good. Thank you. With that you...we will close the hearing on LB743. And we will open on LB871. Senator Fischer, you're recognized to open. [LB743]

SENATOR FISCHER: Thank you, Chairman Langemeier, and members of the committee. For the record, my name is Deb Fischer, F-i-s-c-h-e-r, and I'm the senator representing the 43rd District here in the Nebraska Unicameral. I appear before you

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today to present LB871, LB871 amends section 37-413 to require individuals, ages 19 through 29, who are accompanying novice hunters who are using an apprentice hunter education exemption certificate and/or children under the age of 12 to have successfully completed either a state-approved firearm hunter education course, if hunting with a firearm or crossbow or a bow hunter education course if hunting with a bow and arrow. The Nebraska Game and Parks Commission came to me with this legislation after they discovered a possible loophole in the existing statute. Current statute would actually allow two individuals to obtain an apprentice hunter education exemption certificate and technically be able to accompany each other on a hunt without completing hunter education. That was not the purpose of that bill when I introduced it a few years ago. This bill does rectify that potential problem. I introduced LB690 in 2008 to create the exemption certificate to provide more young people with the opportunity to experience a hunt before making the substantial investment in time and money in the education courses. The true intent of the legislation was to allow trained and/or experienced hunters to accompany these novice hunters. This loophole would seriously compromise the true intent of that legislation. Jeff Rawlinson from the Nebraska Game and Parks Commission is here today, as well, but I would be happy to answer any questions you may have at this time. [LB871]

SENATOR LANGEMEIER: Very good. Thank you. Are there any questions? Seeing none. Thank you. [LB871]

SENATOR FISCHER: Thank you. [LB871]

SENATOR LANGEMEIER: Is there anyone wishing to speak in support of LB871? Good afternoon. Welcome to the committee. [LB871]

JEFF RAWLINSON: Good afternoon Senator Langemeier and members of the committee. My name is Jeff Rawlinson, J-e-f-f R-a-w-l-i-n-s-o-n and I'm assistant division administrator of the education division with the Nebraska Game and Parks Commission. We appreciate you listening and discussing this legislation with us today. This piece of legislation, we view, as very important. LB670 was a positive leap forward in allowing us to reach a number of people in Nebraska who would like to try hunting, but didn't try it through the traditional method as a youngster, and now coming on those ages of 18, 19, 21, and so forth, and allowing them to give hunting a try without having to invest the time in hunter education until they've been able to consider for themselves if they do enjoy that in the field. And that legislation, of course, provided that exemption so that they could give that a try while hunting under the accompaniment of a licensed adult, 19 years of age or older. And as Senator Fischer pointed out, the loophole then is someone who is hunting under that exemption certificate could then turn around and become the mentor or by Statute 37-413 in terms of ... as accompaniment as defined, accompany a another hunter who is also hunting under that exemption certificate and the reality then is you have two very novice individuals with very little experience in the

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field. And that was certainly not the intention. So we do believe that LB871 will rectify that loophole and we're here to support that. And I'll be happy to take any questions. [LB871]

SENATOR LANGEMEIER: Very good. Are there any questions? I'm going to...seeing none....oh, Senator Haar. [LB871]

SENATOR HAAR: For my education, could you just tell me a little bit what you do with this program? [LB871]

JEFF RAWLINSON: Sure, you bet. The Nebraska Hunter Education Program has a proud 34-year history now here in Nebraska of providing hunter safety and hunter education training to young hunters, novice hunters here in Nebraska, capitalizing on the volunteer spirit in Nebraska. We have about a thousand volunteers who teach this course statewide to young hunters and sometimes adult hunters who are starting out hunting for the first time or going out of state where it might be required. So the program educates around 6,000 to 8,000 students per year, and by statute required of any hunter in Nebraska who is hunting between the ages of 12 through 29 who would like to hunt with a firearm or a crossbow and required a bow hunter education a separate course of any hunter in Nebraska 12 through 29 who would pursue big game with a bow and arrow. [LB871]

SENATOR LANGEMEIER: Are there any other questions? I'm going to ask one. I took hunter safety back when I was 15, I think, 15, 16, something like that. I don't have that card anymore. Do I need it? [LB871]

JEFF RAWLINSON: No. Anybody who is age 12 through 29 needs to have that card on their person while hunting here in Nebraska. After that age, you would not need that card on your person. However, if you decided to go out of state hunting, other states have different laws and many of them, for out of state hunters, would require that to be a date after 1956, for example, so most adults would need to have that card out of state. [LB871]

SENATOR LANGEMEIER: Very good. I wanted to see if you'd think I was under 29. (Laughter) [LB871]

JEFF RAWLINSON: Yes, Senator Langememeir, you definitely need the card. [LB871]

SENATOR LANGEMEIER: I was baiting you in. I didn't really care about... [LB871]

JEFF RAWLINSON: All 30-year olds...all 30-year olds need the card regardless, yeah. [LB871]

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SENATOR LANGEMEIER: Yes, yes. Are there any other questions? Seeing none, thank you very much. [LB871]

JEFF RAWLINSON: Thank you. [LB871]

SENATOR LANGEMEIER: If I didn't know you as well as I did, I wouldn't do that, but...are there any other individuals that would like to testify in favor of LB871? Welcome back. [LB871]

JOE HERROD: Welcome back, yeah. You do look way under 29. My name is Joe Herrod, H-e-r-r-o-d, representing the Nebraska Council of Sportmans Club. We really want to thank Senator Fischer for bringing the original bill and now to help fill the loophole and we strongly support this and hunter education. [LB871]

SENATOR LANGEMEIER: (See also Exhibit 5) Very good. Are there any other questions? Seeing none. Thank you very much. Is there anyone else who would like to testify in favor of LB871? Seeing none. Is there anyone here that would like to testify in opposition to LB871? I'm seeing none. Is there anyone that would like to testify in a neutral capacity? I see none. Senator Fischer is recognized to close. She waives her closing. With that, that closes our hearing on LB871 and concludes our day. So we'd like to thank everyone that took their opportunity to come testify before us and come this long distance to be a part of the process. We do appreciate it and have a safe trip home. [LB871]